IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE.

CHAMBER SUMMONS NO. 365 OF 2006
IN
WRIT PETITION NO. 897 OF 2006

Moosa Mohamed Siddik Shaikh. ... Petitioner.

V/s.

Bombay Housing and Area Development Board & ors. ... Respondents.

Yuvraj Chaudhari i/b. V.S.Talkute for the petitioner.

Ms.Geeta Shastri, AGP for respondent No.1.

CORAM: V.C.DAGA, J.

DATED: 27th February 2007.

P.C.:

. When this chamber summons was called, Mr.Chaudhary holding for Mr.Talkute, Advocate for the petitioner appeared and prayed for adjournment so as to enable the petitioner to produce judgment and order dated 7th August, 2006 passed by the Chief Officer, Mumbai Building Repairs & Reconstruction Board, Mumbai which, according to him, is a part of schedule annexed to the chamber summons.

2. At this juncture, it will not be out of place to mention that the present petition is directed

against the order dated 2nd December, 2005 passed by the Appellate Authority in Appeal No.119 and 137 of 2004. Petition was filed on 25th January, 2006. It was never moved before the Court. For the first time matter came up before the Court on 21st January, 2006 to seek restoration of the petition which was dismissed for non-removal of office objections. After restoration of the petition, the petitioner found that the order has already taken effect and operated. The petitioner, therefore, moved present chamber summons to amend the petition so as to challenge the order dated 7th August, 2006, passed by the Chief Officer, however, without annexing the copy thereof. The chamber summons was adjourned on 22nd January, 2007 to 5th February, 2007 and 12th February, 2007 to enable the petitioner to produce copy of the judgment and order dated 7th August, 2006. Till today, copy of the said order is not produced. Mr.Choudhary seeks adjournment. No ground is made out for further adjournment. In that view of the matter, chamber summons is liable to be rejected. The same is, thus, rejected.

3. However, in the interest of justice, I think it fit to dispose of the main petition against the impugned order dated 2nd December, 2005 holding it to be infructuous; granting liberty to the petitioner to challenge the order dated 7th August, 2006 on its own merits, if so advised. In the event of challenge to

the said order, it is needless to mention that all rival contentions shall remain open.

4. Petition stands disposed of accordingly with the aforesaid liberty reserved in favour of the petitioner. No specific order on chamber is necessary. In view of disposal of the petition, chamber summons is also disposed of with no order as to costs.

(V.C.DAGA, J.)